Ministry of Water, Land
& Air Protection

Guide for Developing
A
Pest Management Plan
For
Forest Vegetation

Integrated Pest Management Program

March 2001

Guide for Developing a Pest Management Plan for Forest Vegetation

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APPLICATION FOR APPROVAL

1.0 OVERVIEW AND GENERAL REQUIREMENTS

1.1 Purpose of this Guide

The *Pesticide Control Act* was amended in 1997 to allow pesticide uses that are conducted under a Pesticide Use Permit to be authorized under a Pest Management Plan (PMP). During the next few years, the Ministry of Environment, Lands and Parks (MELP) intends to replace the existing Pesticide Use Permits with PMPs. This guide describes how to prepare, obtain approval, and implement a PMP for forestry vegetation management.

This document provides policy and procedural guidance. It does not replace the legal requirements of the *Pesticide Control Act* and Regulation. Revisions will be made to this guide as required.

1.2 Objective of Pest Management Plan Process

New legislation enabling the authorization of pesticide use through PMPs was passed to enhance environmental protection and to introduce efficiencies. The major objective of the PMP process is to ensure that pesticides are only used in the context of an Integrated Pest Management (IPM) program. IPM is a decision-making process based on managing ecosystems to prevent pest problems and on using a combination of treatments to suppress pests. A PMP consists of two major parts:

- a plan for controlling pests using IPM, and
- methods of handling pesticides within that plan.

A PMP is submitted by a proponent for the proponents' operating areas and other areas for which the proponent has silvicultural responsibilities.

1.3 Differences Between the PMP and Pesticide Use Permit Systems

This new system has a number of improvements compared with the Pesticide Use Permit system:

- PMPs require pesticides to be used in the context of an IPM program. Permits do not require the use of IPM.
- PMPs may be authorized for a maximum period of 5 years instead of the maximum 3 years for Pesticide Use Permits.
- An Application to Prepare a Pest Management Plan is to be submitted before the development of the PMP. This allows for consultation during the PMP development process (see section 2.1).
- A Consultation Report must be submitted with the PMP (see section 3).
- MELP offices have discretion in adding or deleting requirements to these basic provincial procedures, based on regionally specific concerns.

- Proponents are required to divide their PMP areas into different Operating Zones (OZs), based on the characteristics of their areas and information derived from consultations (see section 2.4). OZs reflect the need for special treatment provisions as well as additional notifications, consultations and approvals, as summarized below:

Operating Zone	Additional Notification (other than NIT to MELP), Consultations or Restrictions Required	Additional Approvals Required
1	No	No
2	Yes	No
3	Yes	Yes
4	No herbicide use	No herbicide use

- PMP approvals will usually authorize pesticide treatments for the approved area before the specific treatment sites have been identified. Permits are usually site-specific.
- Proponents will submit "Notices of Intent to Treat" (NITs), to inform MELP before they apply pesticides to specific sites and to request any additional approvals where required.
- Proponents are required to prepare Detailed Site Assessments for sites to be treated with herbicides (see section 6.1).

1.4 Who Requires a PMP?

An approved PMP is required for authorized use of pesticides in forestry on public and private land. This is the same circumstance where a Pesticide Use Permit was required. The PMP approval must be issued to a proponent who is a "person" in the legal sense. Proponents will typically be either:

- a Minister of a provincial government ministry,
- a company registered under the *Companies Act*,
- a municipality, or
- a land owner.

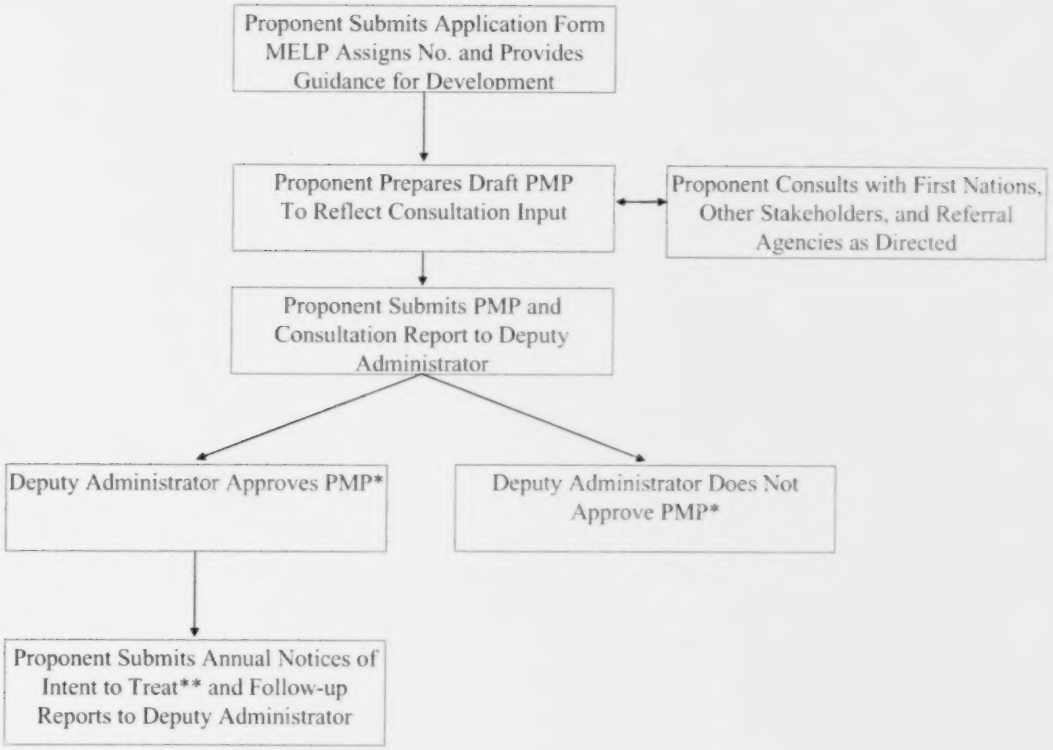
1.5 Scope

The maximum area covered by a PMP will normally be the area of responsibility of the proponent for which a pest management program can be practically developed and managed. For example, all areas under a tree farm licence or managed by a divisional office would be appropriate for companies. The boundaries of a forest district would be appropriate for the Ministry of Forests.

1.6 How to Obtain a PMP Approval

Forestry PMPs will be reviewed and approved at regional offices of MELP. Approvals must be given by Deputy Administrators under the *Pesticide Control Act*. Figure 1 shows the basic steps in the process.

Figure 1. PMP Process for Forestry Vegetation Management


Proponent Submits Application Form MELP Assigns No. and Provides Guidance for Development
Proponent Prepares Draft PMP To Reflect Consultation Input
Proponent Consults with First Nations, Other Stakeholders, and Referral Agencies as Directed
Proponent Submits PMP and Consultation Report to Deputy Administrator
Deputy Administrator Approves PMP*
Deputy Administrator Does Not Approve PMP*
Proponent Submits Annual Notices of Intent to Treat** and Follow-up Reports to Deputy Administrator

* Decisions made under the *Pesticide Control Act* may be appealed before the Environmental Appeal Board.

** Certain areas or pesticide treatments defined in the PMP approval may require a separate approval before the pesticide applications take place. The approval decision will follow the submission and review of a Detailed Site Assessment.

1.6.1 Submitting an Application

The first step in developing a PMP is to submit an application form. This form, called the *Application to Prepare a Pest Management Plan*, is attached at the end of this guide. The application should be submitted to MELP several months before the PMP is completed, to allow enough time for the required consultation process.

Applications to prepare forest vegetation management PMPs will be processed and reviewed at regional offices of the Ministry of Environment, Lands and Parks, Integrated Pest Management Program. Please direct all inquiries, correspondence and submissions to the Deputy Administrator of the *Pesticide Control Act* at the appropriate regional office listed in Appendix II. Section 2.1 of the guide provides instructions on how to complete the application form and prepare the application submission.

1.6.2 Preparing a Draft PMP

It is recommended that proponents do not proceed with the development of a PMP until the Application to Prepare a PMP has been formally acknowledged by the Deputy Administrator and guidance on how to proceed has been provided. The acknowledgement will include a PMP number to be referenced in all correspondence.

The PMP should be organized in the sequence given in Section 4 & 5 of this guide. Technical terms, abbreviations and acronyms should be defined.

Although preliminary consultations may be started before a draft PMP is prepared, a draft PMP will be required for use in the full consultation process. Section 2.2 of this guide describes requirements for the consultation process. Sections 4.0 and 5 list the information required in a forestry vegetation PMP.

MELP will direct proponents to consult with First Nations, where required by provincial policy, and with other parties who are likely to be affected. Proponents will be directed to notify the public by publishing PMP details. A separate Consultation Report described in section 3 must accompany the PMP being submitted for approval.

1.6.3 Submission of a Completed PMP for Approval

When a PMP is submitted for final review, the following must be included:

- a covering letter requesting approval, and either,
  - confirmation that the previously submitted Application to Prepare a PMP accurately reflects the PMP, or
  - an outline of any changes or additions to the PMP since the Application to Prepare a PMP was submitted,
- a map (same scale as the PMP application map) identifying broad operating zones described in section 2.4 as developed during consultations,
- a Consultation Report (see section 3.0),
- a completed PMP (see sections 4.0 and 5.0 for details), and
- other information as required by the Administrator or the Deputy Administrator of the *Pesticide Control Act*.

1.6.4 Deputy Administrator Decisions

The Deputy Administrator will review the PMP submission in consultation with advisors, as appropriate. As a result of the review, the Deputy Administrator may approve the PMP (with or without conditions), reject it, or request more information to assist in the decision. An approved PMP consists of the PMP developed by a proponent, plus terms contained in an approval document from the Deputy Administrator.

1.7 Appeals

Any person may appeal a decision made under the *Pesticide Control Act* to the Environmental Appeal Board within 30 days of the decision. This includes the decision to approve or not approve a PMP, as well as any additional approvals or amendments issued during the term of the PMP. The Environmental Appeal Board has the authority to confirm, reverse or amend a decision being appealed.

1.8 Endorsements

Current requirements under subsection 10 (2) of the Pesticide Control Act Regulation require persons who wish to apply pesticides without a permit to areas normally requiring a permit, to obtain an "endorsement". Upon request, an endorsement may be approved by the Deputy Administrator for PMP holders or designated contractors with Pest Control Service Licenses.

1.9 Amendments

If a proponent requires changes to a PMP or to the terms of a PMP approval, a written request for an amendment must be sent to the Deputy Administrator. Additional review, consultation or advertising may be required before a decision is made to issue an amendment, depending on the scale of the changes or additions.

1.10 Registered Use Only

PMP approvals will only authorize pesticide uses that are registered under the federal *Pest Control Products Act* and described on pesticide product labels.

1.11 Compliance

MELP staff may conduct both scheduled and non-scheduled audits and inspections to determine compliance and assess environmental protection under a PMP. The contents of an approved PMP and the terms of the approval document must be adhered to and are legally enforceable under the *Pesticide Control Act*.

1.12 Timing and Duration

It is recommended that proponents begin the development of a PMP at least 9 months before the intended implementation date. This is to allow sufficient time for consultation during the MELP review stage following submission. The final application package should be provided to MELP, a minimum of 3 months before implementation to avoid delays. The maximum term of a PMP will not exceed 5 years (60 months) from the date of approval.

1.13 Public Access to Documents

The proponent must provide, or make available for viewing, PMP documents and references requested by the public, unless the Deputy Administrator has approved other arrangements.

2.0 PROCEDURES FOR PMP DEVELOPMENT

2.1 Application to Prepare a PMP for Forest Vegetation

The first step is to submit an application to prepare a PMP (see application form attached to this guide) to the appropriate regional office of MELP (see Appendix II). The application should be submitted several months before the PMP is completed and to allow enough time for the required consultation process. Upon acceptance of the application to prepare a PMP, the MELP regional office will assign an application number and will provide the applicant with other information, as necessary for developing a PMP.

2.1.1 Application Package

Generally the proponent should submit seven (7) complete application packages to the appropriate regional office. Contact regional offices to find out if fewer copies or an electronic submission may be accepted.

An application to prepare a PMP must include:

- a completed application form,
- map(s) as described in section 2.1.3 of this guide,
- a list of potentially affected parties (First Nations, trappers, guide outfitters, etc.) that the applicant intends to consult during the development of the PMP,
- a list of newspapers with distribution within the proposed PMP area, and
- a statement of the proponent's intent to maintain and operate under currently approved Pesticide Use Permits until their expiration, OR a request to have all currently approved sites included under the Pest Management Plan along with a list of permits to be replaced.

Additional pertinent information may be provided in a covering letter.

The application may be returned if it is not complete.

At this time there is no fee requirement for a PMP application, but fees may be required for applications and/or annual notices in the future.

2.1.2 Completing the Application Form

NOTE: The paragraphs below correspond to the numbered sections on the application form attached to this guide.

1.Applicant

Enter the name and contact information for the person applying for the PMP approval. The applicant may be an individual, company, public or private corporation, association, etc. Provincial Government employees may apply for plans in the name of the appropriate minister (e.g., British Columbia Minister of Forests). The section for "Applicants File No." is for your internal use.

2.Purpose

Provide a short description of the purpose(s) for managing vegetation within the PMP area. Choose from the following list, or describe other purposes:

Forest Crop Establishment

- pre-harvest treatment
- site preparation
- regeneration brushing
- site rehabilitation
- seed tree control

Forest Crop Enhancement

- forest crop tree release (e.g. conifer release)
- juvenile spacing

Others

- forest road access
- wildlife habitat improvement

3.Locat ion

- "Tenures associated with the proposed area" refers to all tenures that are contained in the proposed PMP area. The associated 'operating area' name(s) should also be provided. If the location is a woodlot, the appropriate Woodlot License number shall be included (e.g., "FL 90312 Cougar Creek and Barn Lake operating area").
- Provide a geographic description of the area to be covered by the proposed PMP (e.g., "From the west bank of the Fraser River as far east as Francois Lake, north to Stuart Lake and south to the headwaters of the Chilcotin River").
- State the total area under forest management (working forest or the net area to reforest) in hectares (ha) encompassed by the proposed PMP.
- List the major cities, towns or communities encompassed by, or within 5 km of, the proposed PMP area or otherwise closest to the PMP area.
- List the community watersheds within, or partially within, the proposed PMP area.

4.Pestic ide Application Methods

List all methods of pesticide application that are planned within the proposed PMP area during the term of the plan. Select and enter methods from the following list, or describe other methods:

- backpack sprayer
- power hose/nozzle
- individual tree injection
- stump treatment
- fixed wing
- helicopter
- brush saw applicator
- wick-type applications
- basal applications
- cone sprayer

5.N on-Pesticide Treatment Methods

List and briefly describe non-pesticide treatment methods that are planned for use within the proposed PMP area during the term of the plan. Select and enter treatment names from the following list, or describe other methods:

- manual brushing & weeding
- mechanical site preparation
- prescribed burning
- sheep grazing
- mechanical brushing & weeding
- girdling

6.Pest icide Information (for each pesticide product proposed)

- **Trade Name** refers to the product's name as printed on the package label.
- **Active Ingredient** (a.i.) refers to the agent or chemical substance in a product that is responsible for pesticidal effect. The common name of the active ingredient(s) is listed after the word "Guarantee" on the product label.
- **P.C.P. No.** is the registration number that appears on the label of all pesticide products registered under the federal *Pest Control Products Act.*

No unregistered pesticide uses will be authorized under a PMP. A separate Special Use Permit is required for such unregistered uses. Contact a regional office of the IPM Program (listed Appendix II) for information on obtaining a Special Use Permit.

7.Land Ownership

Public land is defined by the *Pesticide Control Act* Regulation as "land, whether covered by water or not, that is owned or controlled by

(a) the Crown in right of the Province,

(b) a corporation, of which the ownership of a majority of the shares is vested in the Province,

(c) a municipality or regional district,

(d) a public school, college, or Board of School Trustees, as defined in the School Act or a College Council established under that act,

(e) a university, or the University Council, as defined in the *University Act*,

(f) a corporation as defined in the *College and Institute Act*, or

(g) a hospital, or Board of Management of a hospital, as defined in *the Hospital Act*,

but does not include land that is leased by the Crown in the right of the Province to a person for agricultural, grazing or other farming purposes." Other forms of land ownership are considered "private".

8.Com mencement and Completion Dates

Provide the start and end dates for the proposed PMP. They will be considered for a duration not exceeding 5 years (60 months).

9.Contact Name

Contact Name refers to the individual responsible for planning the project and developing the PMP. This is the individual who will be contacted for further information during review of the application.

10. Signature of Applicant

The application should be signed by, or on behalf of, the PMP applicant.

2.1.3 Map Requirements for Application Package

The following maps shall be submitted with the application:

- the small scale provincial map, provided with the application form, identifying the approximate location of the proposed PMP area, and
- a more detailed map defining the boundaries of the proposed PMP area on a single sheet. This should have a scale between 1:50,000 and 1:3,000,000 and be on **8 ½ x11 in. paper**. This map must show:
  - the scale,
  - the date of production,
  - geographical coordinates (latitude and longitude), and
  - major water bodies, roads and settlements.

(Note: in some Regions, upon completion of the PMP, electronic versions (ArcInfo) of large-scale maps should be submitted by the proponent to MELP— in this case the Deputy Administrator will direct the proponent's GIS staff to contact MELP's GIS staff for further instructions on format of data and transfer protocols.

2.1.4 List Other Resource Users

Applications should include the names, addresses, and telephone numbers of all First Nations, range tenure holders, guide outfitters, and other registered resource users in the proposed PMP area. Identify the existence and approximate number of water licence holders and specify the method used to determine this information.

Trap line numbers should be provided for all registered trap lines in the proposed PMP area. **Note:** to release trapper information, MELP requires a confidentiality agreement such as the following, to be signed by the proponent and mailed to the appropriate Regional Director of the Ministry of Environment, Lands and Parks.

"CONFIDENTIALITY AGREEMENT REGARDING THE RELEASE OF TRAPPER INFORMATION. (Name of requestor) agrees to retain the confidentiality of the information concerning trappers provided by the Province. The information will not be made available to any third party, or be used for any other purpose other than consultation for the purpose of Pest Management Plan development."

2.2 Consultations

Following the submission of the application, proponents will be directed by the Deputy Administrator to consult with First Nations, or other potentially affected parties and agencies. Information received from stakeholders assists proponents in classifying their vegetation management areas into OZs. The Deputy Administrator may also require the proponent to advertise the submission of the application. The proponent must provide a separate Consultation Report (see section 3.0) as part of PMP submission, reporting on the consultation activities conducted during the development of the PMP.

2.2.1 First Nations Consultations

Consultations with First Nations must be consistent with government policy for the protection of aboriginal rights. For specific guidance on consulting with First Nations on PMPs see Appendix III and contact the appropriate regional office to obtain advice on additional requirements. In accordance with MELP policy, consultations with First Nations may also be required during the term of the PMP.

2.2.2 Other Stakeholders and General Public Consultations

Consultation with the public and other stakeholders is a critical element in developing a successful PMP. In addition to the information contained in section 3 and Appendix III, proponents may wish to consult the "Forest Practices Code Public Consultation Guidebook" for more advice. Stakeholders can be broadly defined as individuals or groups who have interests within the geographical area covered by the PMP that could be affected by the proposed vegetation management programs. Examples of these include water users, recreational interests, trap line holders and other resource users.

2.2.3 Regional Pesticide Review Committee Consultations

Following submission of the Application to Prepare a PMP, proponents may be directed by MELP to consult directly with representatives of agencies represented on the Regional Pesticide Review Committees (RPRCs). These are appointed by Deputy Administrators to provide comments and recommendations on pesticide use proposals to protect the interests within the mandate of their agencies.

2.3 Advertising the PMP before Submission

Once the proponent has developed the PMP to a stage that is ready for consultation, it must be advertised in newspapers (preferably local newspapers) that have circulation within the proposed PMP area.

- Advertising must begin at least 45 days before submission of the final PMP to the Deputy Administrator.
- The PMP must be advertised at least twice within a two-week period.

The published notice shall be placed in the main or legal sections of the newspapers with the heading "SUBMISSION OF A PEST MANAGEMENT PLAN" in 18 point or larger, medium or bold face type. The notice shall cover a minimum area of 40 sq. cm. and contain the following information:

(a) Pest Management Plan number,
(b) name, address, telephone and fax number of the PMP applicant,
(c) the sentence:
"(Proponent's name) is developing a Pest Management Plan and will submit the plan for approval under the *Pesticide Control Act*. This plan will describe a vegetation management program using Integrated Pest Management, including the use of herbicides, and will replace the need for Pesticide Use Permits",
(d) purpose(s) of proposed vegetation management,
(e) all vegetation control methods in the proposed Pest Management Plan (pesticide and non-pesticide),
(f) proposed geographic area of PMP (Tree Farm Licence number/Forest Licence number, Operating area) and description/distance and direction from the nearest community to the proposed area,
(g) trade name and common name of all proposed pesticides,
(h) commencement and completion dates for the PMP,
(i) location where the PMP application and maps of the proposed treatment areas may be examined in detail, and
(j) the paragraph:
"A person wishing to provide information relevant to the development of the proposed Pest Management Plan may send written copies of comments to both the applicant and the Deputy Administrator of the *Pesticide Control Act*, Ministry of Environment, Lands and Parks [address to be specified - see Appendix II] within 30 days of the publication of this notice. The identity of any respondents and the contents of anything submitted in relation to this application will become part of the public record."

It is the proponent's responsibility to verify that the advertisement satisfies all of the advertising requirements. If the advertisement is not correct, the proponent shall immediately re-advertise, until the advertisement is published correctly.

2.4 Information for Designation of Operating Zones

Operating Zone (OZ) classifications are based on site characteristics and concerns identified in consultations during the PMP preparation process. Consult the glossary for definitions of each of the four OZs. They differ with respect to requirements for notification, additional authorizations and operational restrictions that would be in effect during the term of the PMP, as described in section 1.3 of this guide. PMP areas are classified into OZs according to the system described in section 4.3.5 of this guide.

Identifying Stakeholders' Concerns

To assist in classifying a proponent's vegetation management areas into OZs, information is needed from First Nations and other stakeholders. Proponents should document, or obtain in writing, any requests or agreements concerning:

- further consultation after a PMP is approved
- annual notification of proposed treatment sites
- specific pesticide-free zones and/or buffer zones
- maximum annual areas for treatment
- pesticide application method restrictions
- specific rates of pesticide application for specific vegetation
- RPRC needs to review Detailed Site Assessments due to a specific management issue
- identification by First Nations of specific areas with a high likelihood of impacting defined First Nations interests
- joint field inspections of specific sites proposed for treatment, including a defined process and timeline
- non-pesticide treatments of certain areas to protect specific resources.

Once the applicant is nearing completion of the consultation component of PMP development, the results of the consultation can be classified into Operating Zones.

3.0 CONSULTATION REPORT

A separate Consultation Report must be submitted along with the PMP. The report contains a summary of consultations with First Nations, the public, other stakeholders and if requested, members of the Regional Pesticide Review Committee.

3.1 Record of First Nations Consultations

The following record of First Nations consultations must be prepared and submitted as a component of the Consultation Report.

(a) Maintain a log of communications and contacts.
(b) Summarize correspondence sent and received (append letters to the Consultation Report).
(c) Identify the names of those contacted within each First Nation and their positions or titles.
(d) Describe meeting(s) held and issues discussed (append meeting minutes to the Consultation Report).
(e) List traditional activities identified by each First Nation that could be affected by proposed treatments.
(f) Describe proponent's response to input received from First Nations (e.g., on subjects of Operating Zone provisions, mitigation measures). If the proponent does not receive meaningful information from a First Nation, describe efforts to obtain the information from other sources and the proponent's response to the information.
(g) Summarize previous consultations on Pesticide Use Permits or PMPs within the proposed PMP area. Include a list of First Nations contacted with a summary of the concerns identified and the results of the consultations.

The checklist contained in Appendix III can be used to track your consultation activities. If the checklist is used, submit one completed copy for each First Nation contacted.

3.2 Record of Other Stakeholder and Public Consultations

The Consultation Report shall also contain:

(a) A summary of consultations held with stakeholders, including:
- names and addresses of stakeholders who provided input,
- nature of their concerns and/or recommendations, and
- proponent response to the input from stakeholders.

(b) A list of newspapers in which notification of the pending PMP submission appeared, along with the publication dates and a photocopy or tear sheet of a representative advertisement. Include a summary of comments from the public (or provide copies of letters) and the proponent's response to the comments from the public.

3.3 Record of Regional Pesticide Review Committee (RPRC) Consultations

The Consultation Report shall also contain:

(a) The results of the consultation with the RPRC, including details of specific restrictions requested by the RPRC reviewers, and

(b) A statement summarizing the response to each recommendation.

Proponents should prepare their PMPs using the format described below and in Section 5.0 of this guide.

4.1 PMP Summary

The PMP shall begin with a 1 to 2-page overview of the purpose and scope of the PMP, describing:

- The proposed term of the PMP,
- areas included in the PMP,
- reasons for managing vegetation,
- operating zones (OZs) developed in the PMP, including the criteria used to classify the zones, and
- treatments, describing, as a minimum, the herbicides and application methods proposed within each zone.

4.2 Overview and History of Plan Area

4.2.1 Forest Cover

Describe the typical forest cover found within the PMP area.

4.2.2 Competitive Species

Describe the main competitive species and/or vegetation complexes to br managed within the PMP area. The description should include estimated densities or degree of competition within biogeoclimatic ecosystem classes for the PMP area.

4.2.3 Public Use

Current and potential public use within the PMP area should be described. Road deactivation, location of recreational sites and their potential use, and types of public access to, and within, the PMP area should be described.

4.2.4 History of Vegetation Management

Summarize the vegetation management methods used over the past 5 years by the proponent. A list of current and former Pesticide Use Permits may be included for reference purposes.

4.2.5 Herbicides used for Vegetation Control

List the herbicide(s) proposed for use under this PMP.

It is also useful to specify other chemicals that may be considered part of integrated pest management as these may be of interest to stakeholder groups or require provincial authorization. For instance the use of fertilizers may accelerate the growth of crop trees above competing vegetation and reduce the need for the use of herbicides. Fertilizers are regulated by the federal *Fertilizer Act* and the provincial Forest Practices Code and the Private Land Forest Practices Regulation but no permits are required for their use--however, application of fertilizers is often of interest to stakeholder groups and future conflicts can be avoided by using the PMP consultation process to disseminate information on fertilization programs. In contrast, the use of deer repellants (to reduce browse, again, accelerating growth of crop trees above competing vegetation and reducing the need for herbicide use) is rarely a matter of public concern but provincial authorization (such as under a PMP) must be obtained prior to treatments.

4.2.6 Other Processes

PMPs must be consistent with the objectives of previously approved land management strategy processes, such as Land and Resource Management Plans (LRMPs), as well as stand level plans, such as Silviculture Prescriptions. When a requirement of a higher level plan is included in the PMP, the proponent shall reference and attach relevant sections of the relevant document.

4.3 The Integrated Pest Management Program

4.3.1 Prevention

List and describe all measures that will be taken to prevent vegetation problems within the PMP area. Define where, and under what circumstances, specific preventative measures will be taken. Preventive measures shall be applied to all Operating Zones before selecting pesticides as a treatment method.

Preventive measures may include, but are not limited to:

- Preharvest treatments,
- Timing of planting and other treatments,
- Site preparation,
- Stock type (seedling species, size and age),
- Planting practices.

It is expected that the applicant will use a variety of preventive measures, for example, minimizing regeneration delay and using large stock size, for very high and extreme brush hazard sites.

4.3.2 Competing Vegetation

Identify the competing vegetation or the vegetation complexes that will be treated. Include the names of key species within the vegetation complexes.

4.3.3 Monitoring

Describe the survey activities that will be undertaken to accurately assess and quantify the competing vegetation on a site. List the types of surveys, the survey methods, the data compiled, and the frequency and age of surveys used to assess competition. These may include, but are not limited to, brush assessments and regeneration surveys.

Briefly describe all survey types in terms of methodology and types of data collected. This may be subdivided into such categories as:

- Crop tree attributes: species, height, age, diameter, vigour
- Vegetation attributes: species distribution, height

4.3.4 Treatment Thresholds

Potential vegetation problems should be identified using a combination of site surveys, assessments and reference materials. A number of decision- making tools exist to help forest managers assess competition "risk". Describe how the need to control vegetation will be determined. Where possible, list, and briefly describe, the tools or objective criteria that will be used to determine the optimal treatment thresholds for the crop trees, including the minimum stratum size to which the threshold applies. References should be provided where possible. Examples include:

- Northern Interior Vegetation Management Association data,
- DeLong Competition Index,
- Comeau Competition Index, and
- A Field Guide for Site Identification and Interpretation for the appropriate Forest Region – Competing Vegetation Potential Tables.

4.3.5 Designation of Operating Zones

This section describes how to classify PMP areas into Operating Zones (OZs) based on site characteristics and concerns identified in consultations during PMP preparation. Section 2.4 of this guide describes the types of information obtained during consultations that are required before the OZs are classified. Note that a Detailed Site Assessment (DSA) (see section 6.1) is required for all proposed applications of pesticides within Operating Zones 1, 2 and 3.

The following summarizes the key features of each operating zone. Consult the glossary in Appendix 1 for further detail:

Operating Zone 1 (OZ1) – areas with minimal specific concerns that the proponent may treat with herbicides without providing additional prior notification to individuals or organizations (with the exception of prior notification of MELP).

Operating Zone 2 (OZ2) – areas for which specific concerns have been identified and for which additional notification is required before treatment.

Operating Zone 3 (OZ3) – areas that will require a thorough site-specific review and a specific authorization by the Deputy Administrator during the term of the PMP before herbicide treatment.

Operating Zone 4 (OZ4) - areas where no vegetation management will be conducted or where only non-pesticide methods will be used.

The applicant must classify the forest vegetation management areas according to the following criteria described for each operating zone. Each stakeholder involved in consultations with the applicant could have different concerns that result in different Operating Zones being assigned to the same area. This could result in overlapping Operating Zones. If this occurs, the area should be classified to the numerically higher zone.

Criteria for Operating Zone 1

An area is classified as OZ1 if *all* the following occur:

- no further consultations with stakeholders are required,
- no annual notification of proposed treatment sites is required to be provided to stakeholders or First Nations, and
- a proponent has confirmed during consultations that, for all treatments, regional standards will be followed (a minimum 10 metre pesticide-free zone plus buffer will be applied around fish-bearing bodies of water, etc).

Criteria for Operating Zone 2

An area is classified as OZ2 if *any* of the following occur:

- a RPRC member proposes, and the proponent agrees to a threshold on the maximum number of hectares proposed for treatment per year
- the stakeholder and the proponent have negotiated a maximum number of hectares proposed for treatment per year
- during consultation the proponent agrees (or is required by the Deputy Administrator, *Pesticide Control Act*) to provide annual notification of proposed treatment sites to stakeholders or First Nations
- extended pesticide-free zones or no treatment zones are required to address specific areas of concern
- pesticide application method restrictions are required to address specific areas of concern
- a specified rate of application for specific vegetation target(s) for a specific area is required

OZ 2 may be divided into subsets by specific operational restrictions or additional requirements for notification. For example:

- Zone 2 a: No aerial applications
- Zone 2 b: Basal treatments only
- Zone 2 c: Notification of local trapper(s)

Criteria for Operating Zone 3

An area is classified as OZ3 if *any* of the following occur:

- a RPRC member threshold for treatment used to define an OZ2 is required to be exceeded by the proponent
- an RPRC member needs to review a Detailed Site Assessment for a specific area prior to treatment
- protection is required for a specific area identified as having a high likelihood of impacting defined First Nation interests
- a stakeholder obtains agreement with the proponent for a joint field inspection of sites proposed for treatment following a defined process and timeline
- any of the commitments and requirements within the PMP are not being followed

Criteria for Operating Zone 4

An area is classified as OZ4 if *either* of the following occur:

- a stakeholder requests and the proponent has agreed either to no treatments or to non-pesticide treatments to protect specific resources, or
- a proponent does not intend to apply pesticides.

Once the vegetation management areas have been classified into Operating Zones, the proponent must provide the following information for each of OZs 1, 2 and 3:

- characteristics of the OZ type (i.e., "general management"; "limited management"; "protected area"; etc.)
- treatment methods that are used in the OZ
- additional measures, beyond the protection proposed in section 4.4, that will be taken to mitigate the concerns raised during consultation e.g.:
    - riparian areas and fish habitat, such as extended pesticide-free zones or no-treatment buffer zones (state the minimum width of each zone)
    - wildlife resources (such as mule deer wintering ranges) will be limited to ground herbicide treatments
    - community watersheds and water intakes (such as providing additional protection to a watershed, above the measures included in section 4.4)
    - additional approvals required before pesticides may be used in the OZ and any specific notifications that will be given before applying pesticides in the OZ.
    - justification for the OZ class if the rationale was not the product of consultations with stakeholders, and originated with the proponent

4.3.6 Vegetation Management Options

List, and briefly describe, the pesticide and non-pesticide methods that the proponent either intends to use, or will consider using, during the term of the PMP. This section must show the pesticide and non-pesticide treatment options involved in the vegetation management program, with the benefits and limitations of each. As a minimum, each description of method must address:

(a) the efficacy of treatment,
(b) equipment required,
(c) worker safety,
(d) effects on fish and wildlife,
(e) measures for reducing hazards, and
(f) the cost of treatments.

In addition, describe any operational trials, research projects or other initiatives the proponent is involved in that are intended to assess or develop vegetation management methods. Such initiatives could include stock type evaluations, fertilizer response, species selection, site preparation, and non-pesticide brushing methods.

Note: A PMP that includes pesticides as the only treatment option evaluated will not be approved.

4.3.7 Treatment Selection

This section outlines a decision-making process that is used to determine which vegetation treatment measures will be used under various circumstances. In this section, the proponent commits to following a prescribed decision-making process for all sites. Options include using tables, decision-making matrices, flowcharts, and other diagrams to visually portray how forest managers select a treatment. This process should include all of the methods that the proponent will consider for use, and the factors that will be considered in making the decision. Possible methods and factors (in no particular order), are:

Methods	Factors
• Sheep grazing	• OZ as defined in consultation
• Girdling	• Efficacy
• Manual brushing	• Aboriginal Rights infringements
• Mechanical brushing	• Slope of treatment area
• Wick applications	• Time of treatment
• Single stem injections	• Time required to treat
• Stump applications	• Diameter of target species
• Hack and squirt/basal treatments	• Density of target species
• Backpack spot treatments	• Height of target species
• Backpack cone applications	• Bodies of water
• Backpack broadcast	• Wildlife values
• Aerial spot treatments	• Consultation restrictions/referrals
• Aerial broadcast	• Cost

The proponent may wish to illustrate the decision-making process using one or more practical examples.

A submitted PMP that does not include a clearly defined decision matrix or procedure that the proponent has committed to follow for selection of vegetation treatments will not be approved.

4.3.8 Post-Treatment Evaluation

Post-treatment evaluation of the effects of treatments is essential to improve vegetation management programs. List monitoring surveys and assessments that the proponent will complete following treatments, including the time interval between treatment and the monitoring surveys, as well as the information that will be collected.

4.4 Environmental Protection

4.4.1 Community Watersheds and Water Intakes

Provide a list of the location of community watersheds in the area covered by the PMP and describe the measures to be taken in protecting the watersheds and other irrigation, livestock watering and drinking water sources from herbicide contamination.

4.4.2 Fish and Wildlife Resources and Riparian Areas

Identify how fish and wildlife resources and riparian areas are to be protected (e.g., through the use of pesticide-free zones, drift monitoring, buffer zones, and selection of appropriate methods). The MELP Conservation Data Centre in Victoria should be consulted to obtain information on rare and endangered animals and their habitats as maintained in the Centre's geo-refernced database. Measures should be incorporated into the PMP to protect rare and endangered animals and their habitats.

4.4.3 Plants Requiring Protection

Identify human food plants occurring within the PMP area, and describe procedures that will be used to protect them.

In addition, list vulnerable plant species found within the PMP area, and specify measures that will be taken to protect these species.

The proponent should be aware of all rare and/or endangered plant species occurring in the PMP area. The MELP Conservation Data Centre in Victoria (http://www.elp.gov.bc.ca/rib/wis/cdc/) and regional Habitat Biologists may be able to offer assistance in determining species of concern.

4.4.4 Biodiversity Considerations

Describe possible biodiversity issues within the PMP area. Refer also to the Biodiversity Guidebook of the Forest Practices Code, and consult Landscape Unit plans for objectives within the planning area. State the procedures and operating conditions the proponent will use to protect specific resource values, including those identified in the consultation process.

Proponents should prepare their draft PMPs using the format described below and in Section 4.0 of this guide.

Proponents are required to describe the operational practices listed below. **These sections need not be written uniquely for a particular PMP, but may be generic or derived from other sources,** such as other approved PMPs, published handbooks or regulations. If it is not practical to rewrite or to include copies of these generic provisions with the PMP, publicly available materials may be referenced (e.g. provisions of the WCB Occupational Health Safety Regulation).
Any material referred to but not included in the PMP, must be available on request by the Deputy Administrator.

5.1 Qualifications of Personnel

List the minimum qualifications of personnel involved in each aspect of the vegetation management program, including: PMP development, detailed site assessments, site layout, herbicide handling and application.

5.2 Pesticide Handling Practices

5.2.1 Pesticide Transportation

The federal *Transport of Dangerous Goods Act* regulates the handling and transportation of "poisonous substances", which includes herbicides. The BC Pesticide Control Act Regulation (section 35) also specifies required transportation procedures.

List minimum standards for pesticide transportation, such as:

- the method of securing products during transportation,
- the total quantity of pesticide that will be transported by a vehicle,
- spill equipment to be transported with pesticides, and
- documents and placards to be carried in, or placed on, the vehicle during transportation.

5.2.2 Pesticide Storage

Describe storage practices for the pesticides that will be used. Requirements for pesticide storage are listed in the *Pesticide Control Act*. Additional safe storage practices are given in the Workers' Compensation Board document entitled "Standard Practices for Pesticide Applicators". Pesticide storage procedures must describe:

- security and locks,
- ventilation to the outside,
- warning signs, and
- the minimum distance from the storage facility to bodies of water.

5.2.3 Mixing and Loading Pesticides

The proponent must provide written procedures for mixing and loading pesticides, including:

- the minimum number of personnel that must be present during mixing or loading,
- protective clothing,
- first aid available during mixing and loading procedures such as trained personnel, emergency eye-wash stations, other first aid supplies, etc.,
- measures to prevent cross-contamination,
- criteria for selection of mixing and loading sites,
- the minimum distance between mixing and loading sites and water bodies,
- spill kit equipment kept on-site during mixing and loading.

5.2.4 Container and Residual Pesticide Disposal

Describe the procedures to be followed for the disposal of empty pesticide containers, as well as any residual pesticide products or mixed pesticide.

5.2.5 Spill Response Plan

Include a copy of a pesticide spill response plan, which should include:

- reporting procedures and telephone numbers,
- reporting responsibilities (i.e., who will be responsible for reporting any spills or other accidents that may occur),
- the minimum contents of the spill kit that must be on-site during pesticide application and transport (absorbent materials, shovels, bags, labels, gloves, etc.),
- instructions regarding the spill response, and
- the locations where the spill response plan will be posted during application and transportation.

5.3 Boundary Layout Procedures

Describe specific procedures that will be followed to lay out the pesticide application boundaries in the field, including:

- the maximum time interval between boundary layout and treatment, and
- variations in layout to accommodate different site conditions, and
- the tools to be used for boundary layout, (i.e., Global Positioning System (GPS), air photos, hip chains, compassing, etc.).

5.4 Equipment Maintenance and Calibration

Provide written procedures regarding equipment maintenance and calibration, including:

- the types of equipment used,
- maintenance and calibration procedures,
- the maximum time interval between maintenance activities,
- the maximum time interval between calibration activities, and
- keeping a log of equipment maintenance and calibration.

5.5 Pesticide Treatment Signs

Include procedures that meet the following minimum signage requirements for all applications of pesticides. The procedure must indicate:

- the minimum time interval between posting of signs and treatment, and
- the minimum time interval between treatment and the removal of signs.

Unless otherwise advised by a Deputy Administrator, use the following standards for signs:

- a minimum size of 28 x 43 cm (11 x 17 in),
- water resistant material,
- content to include the following:
  - title "HERBICIDE USE NOTICE" or "PESTICIDE USE NOTICE" in capital letters not less than 2.0 cm tall,
  - PMP number,
  - date of application,
  - pesticide trade name,
  - common name of the active ingredient of the pesticide,
  - *Pest Control Product Act* Registration number,
  - purpose, and
  - name, address, contact name and phone number of the PMP holder.
  - a short description of the treatment area (such as "the area delimited by orange flagging may have been treated with pesticides").

5.6 Weather Monitoring

Describe weather monitoring procedures, including:

- a list of data that will be collected before and during pesticide application (wind speed, wind direction, relative and absolute humidity, temperature, etc.),
- the frequency of data collection, and
- the conditions under which pesticide application operations will be shut down.

5.7 Pesticide Application Procedures

The proponent must have clearly defined pesticide application procedures. These may be specific to each type of pesticide and/or application method the proponent plans to use under the PMP. At a minimum, these procedures must contain:

- inspections of treatment areas before application to confirm accurate layout and bystander protection,
- confirmation of pesticide-free zones and appropriate buffers immediately before treatment,
- protective clothing to be worn during applications,
- drift monitoring procedures,
- special considerations to be used during aerial applications, such as selecting flight paths, shutting off spray nozzles during turns and other activities, and procedures to follow near pesticide-free zones, buffer zones and bodies of water, and
- record keeping.

6.1 Detailed Site Assessments (DSAs)

The proponent must conduct and prepare a detailed site assessment, including a treatment prescription for each site before the use of herbicides. Existing forestry documents may be used as components of the Detailed Site Assessment.

The format and level of detail must be acceptable to the Deputy Administrator and may vary from one region to another. For requirements contact the local MELP regional office (see Appendix II). The basic information requirements are as follows:

- PMP operating zone,
- site identification (i.e., opening number, tenure, Cutting Permit number and/or block number,
- stratum (if applicable),
- site characteristics (site series, general topography, etc.),
- conifer crop tree and competing vegetation data,
  (a) stocking species
  (b) average height of crop trees (metres)
  (c) target species
  (d) percent cover or density of target species
  (e) average height of target species; average diameter of target broadleaf trees
- bodies of water, watercourses, and wetland areas, along with their Forest Practices Code classifications,
- fish habitat present, and required protective measures,
- wildlife habitat and biodiversity considerations and required protective measures,
- community watersheds or water intakes within 200 metres of the proposed treatment site,
- other human activities associated with the site, and
- herbicide prescription details
  (a) pesticide trade name and PCP No.
  (b) application rate (kg active ingredient/ha)
  (c) treatment area
  (d) quantity of active ingredient
  (e) treatment method(s).

6.2 Map Requirements for Detailed Site Assessments

Maps associated with treatment areas should have clear legends and be of sufficient quality, detail and scale to allow environmental risks to be assessed and to show the location of treatment sites. Unless otherwise instructed, submit two separate maps: 1) a small scale, *overview map* showing the location

of all sites, individually labeled, in relation to the entire PMP area and access routes, and 2) a larger scale *treatment map* of the treatment blocks showing the following information:

- watercourses, bodies of water and wetlands, including their classification under the *Forest Practices Code*,
- location of local roads, residences, communities near treatment sites, and
- location of proposed herbicide treatments within the block boundaries.

Regional Deputy Administrators may require that:

- the small scale overview map identify sites treated with herbicides within the previous 3 years, and/or
- the large scale maps of individual treatment sites be retained by the proponent and not submitted annually with the smaller scale map.

All maps must have geographical coordinates with at least the latitude and longitude, and include a scale and legend.

These maps are to be submitted with the DSAs to MELP at least 45 days before the start of herbicide applications on site, or as prescribed in the PMP approval. Contact regional offices to find out if electronic submission of larger scale maps may be required as a substitute for the submission of paper copies.

6.3 Notices of Intent to Treat (NITs)

Proponents are required to provide notices to MELP of the sites they intend to treat during the next forest vegetation management cycle. They are called Notices of Intent to Treat (NITs). A NIT will include:

- a notice, listing each site to be treated
- the DSAs for sites to be treated (see section 6.1)
- maps for sites to be treated (see section 6.2)

Unless otherwise instructed by the regional Deputy Administrator, NITs are to be submitted to MELP at least 45 days before the start of herbicide applications on site.

6.4 Advertising treatment sites

If required by the Deputy Administrator, additional advertising and notification requirements for particular treatments identified in Notices of Intent to Treat will be included in the PMP Approval document.

6.5 Annual Reporting

The proponent is required to provide the following information to the Deputy Administrator before December 31 each year. For each site treated with pesticides within the PMP area during that calendar year, list:

- PMP number
- site name or description (i.e., opening number, Cutting Permit number and/or block number)
- pesticide used, including PCP number
- method
- pesticide application rate (kg active ingredient/ha)
- treatment area (ha)
- quantity of active ingredient used (kg)
- for the entire PMP, the total area treated with each pesticide (ha)
- for the entire PMP, the total quantity of each pesticide active ingredient used (kg)
- post treatment maps showing the treatment areas within each block (at the discretion of the Deputy Administrator)
- the method and area of non-pesticide vegetation management (this information is not mandatory, but is requested)

Appendix I

Glossary

Administrator - means a person appointed as the Administrator under the *Pesticide Control Act*.

Deputy Administrator - means a person appointed to act on behalf of the Administrator under the *Pesticide Control Act*. Deputy Administrators are located in regional offices of the Ministry of Environment, Lands and Parks.

Detailed Site Assessment (DSA) - means a report describing the characteristics of a proposed treatment site. The report is used in determining the need and selection of a suitable pest management treatment for a site.

Integrated Pest Management (IPM) - means a decision-making process that uses a combination of techniques to suppress pests and that must include, but is not limited to, the following elements:

a) planning and managing ecosystems to prevent organisms from becoming pests;
b) identifying potential pest problems;
c) monitoring populations of pests and beneficial organisms, pest damage and environmental conditions;
d) using injury thresholds in making treatment decisions;
e) reducing pest populations to acceptable levels using strategies that may include a combination of biological, physical, cultural, mechanical, behavioral, and chemical controls;
f) evaluating the effectiveness of treatments

Notice of Intent to Treat (NIT) - means a notice sent to the Deputy Administrator conveying a proponent's description of the site intended for treatment during the next vegetation management cycle, and including DSAs and maps, as required.

Operating Zone 1 (OZ1) - means an area with minimal specific concerns. Vegetation management practices within these areas must be conducted in accordance with pesticide label restrictions, the elements of IPM, the Forest Practices Code and the provincial or regional guidelines for fish, wildlife and water protection that will be applied as terms of the PMP approval. Once a PMP is approved, no further notifications (with the exception of prior notification of MELP) or approvals are required for treatment within OZ1, providing PMP processes and conditions are met.

Operating Zone 2 (OZ2) - means an area where pesticide treatments will be significantly more restricted than in OZ1. For example, no aerial broadcast, or no foliar applications, or only cone applications would be allowed. Areas may also be defined as OZ2 if a need for additional notification was established during the consultation process.

Operating Zone 3 (OZ3) - means an area where treatments require more thorough review and a specific authorization by the Deputy Administrator during the term of

the PMP. Reasons for requiring a site-specific authorization may include: potential environmental impacts, outstanding health concerns, or potential First Nations infringement concerns.

Operating Zone 4 (OZ4) - means an area where no vegetation management will be conducted or where only non-pesticide methods will be used.

Pest Management Plan - is a plan that describes:

a) a program for controlling pests or reducing pest damage using integrated pest management, and
b) the methods of handling, preparing, mixing, applying and otherwise using pesticides within the program.

Pesticide - means a micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel, or mitigate a pest, and includes:

a) a plant growth regulator, plant defoliator or plant desiccant,
b) a control product under the *Pest Control Products Act* (Canada), other than a device that is a control product, and
c) a substance that is classified as a pesticide under the *Pesticide Control Act* (British Columbia).

Proponent - for purposes of this guide, proponent means the individual or organization applying for, or in possession of, a Pest Management Plan approval. In some instances, the proponent may also be referred to as an *applicant* or the *holder* of an approved Pest Management Plan, as appropriate.

RPRC - means the Regional Pesticide Review Committee, which reviews PMP applications and reports to the Deputy Administrator.

Appendix II

Regional Offices

Ministry of Environment, Lands and Parks
Integrated Pest Management Program

Send applications for the Cariboo and Skeena Regions to the Omineca-Peace office.

Kootenay Regional Office
401 - 333 Victoria Street
Nelson, British Columbia
V1L 4K3
Tel: (250) 354-6333
Fax: (250) 354-6332

Vancouver Island Regional Office
2080 Labieux Road
Nanaimo, British Columbia
V8T 6E9
Tel: (250) 751-3100
Fax: (250) 751-3103

Omineca-Peace Regional Office
325 - 1101 Fourth Avenue
Prince George, British Columbia
V2L 3H9
Tel: (250) 565-6135
Fax: (250) 565-6629
http://www.elp.gov.bc.ca/nor/pollution/pesticides/index.html

Southern Interior Sub-Regional Office
201-3547 Skaha Lake Road
Penticton, British Columbia
V2A 7K2
Tel: (250) 490-8200
Fax: (250) 492-1314

Lower Mainland Regional Office
10470 -152 Street #201
Surrey, BC
V3R 0Y3
Tel: (604) 582-5204
Fax: (604) 930-7119

Appendix III

Instructions to Applicants for Pest Management Plans
Identification of Aboriginal Rights and Potential Infringement

Note: The following "Avoiding Infringement of Aboriginal Rights Checklist" pertains to all proposed pesticide use which fall into the High Risk category of the Ministry of Environment, Lands and Parks' November 2000 policy, "Procedures for Avoiding Unjustified Infringement of Aboriginal Rights and Title". Portions of this checklist may also be applied to proposed pesticide uses which do not fall into the High Risk category. The level of consultation required is at the discretion of the Deputy Administrator.

Set up a record system. Document all activities from the beginning to the end of the consultation process. Keep a record of all discussions and communication, including when telephone calls are made, when letters and faxes are sent, and when meetings have been attended. Note if and when replies are received and what the reply was. This information will be used by the Deputy Administrator to determine if a reasonable effort was made to consult with First Nations.

Identify First Nations concerned. For the Pesticide Use Permit Application/proposed Pest Management Plan, determine the location of all Indian Reserves, traditional territories, aboriginal communities and any other First Nations which may have an interest in the area. This would include a First Nation that has traditionally used a resource in a particular area but does not live in that geographic area.

Contact First Nations. Contact all First Nations that may be affected by the Pest Management Plan/Pesticide Use Permit scope. Generally, the Chief, a designated Counsellor or Band Manager handle referrals. Send a copy of each application, complete with maps, to the appropriate contact person in the band. In some situations it may be necessary to contact the Tribal Council/Tribal Association.
Consultation is an exchange of information between parties. Where possible, it is best to meet with the First Nation to discuss the application in person. If there is an MOU or other agreement which defines how consultation is to occur, supply a copy to the Pesticide Officer in your region prior to further consultation, as MELP may require consultation above and beyond the MOU or other agreement. First Nations must be provided with the following , in easy to understand, non-technical terms:

- what is being proposed;
- how and when it will happen; and
- where it will happen

and asked the following questions:

- What traditional activities have been practiced within the proposed area, and where have they taken place?
- Do you have any technical or traditional knowledge of the area which would assist us in assessing the impact of this application on your traditional activities?

These questions are important as the consultation process is to determine the existence and scope of aboriginal rights; not to ask for agreement or consent to an activity or for an environmental assessment of the activity. The province retains responsibility for this determination.
If the aboriginal/treaty/traditional use rights are well-documented, First Nations should be made aware of the current assessment and offered an opportunity to provide additional information.
The First Nations should be asked directly if they understand the information. It is suggested that you be prepared to follow-up with additional consultation if more information/clarification is required.
Accurately document all information provided by the First Nation. It may be necessary to make several attempts at contact, either through phone calls or letters. Make a reasonable effort to contact First Nations, both in terms of length of time allowed and the type of contact. **Generally, continued contact over a 4-6 month period is suggested, and considered reasonable, providing the contact efforts are not being perceived as excessive or unwanted.**

If a letter or a copy of the Pesticide Use Permit Application/proposed Pest Management Plan was initially sent to First Nations, allow a minimum of 30 days for a reply after which if no reply is received, the proponent should make an attempt to make contact via registered letter, telephone, or in person. It must be shown that a reasonable attempt has been made to make contact.

Check alternative sources of information. If there is no response from First Nations after reasonable efforts to consult are made, consider alternate sources of information regarding aboriginal rights. These may include:

- Information provided in Forest Development Plan consultation processes
- Archaeological Overview Studies
- Archaeological Impact Assessments
- Cultural Heritage Overviews
- Local knowledge
- Ministry contacts (Native Program Officer, Aboriginal Forestry Advisor)
- Traditional Use Study
- Statements of Intent
- MELP's Aboriginal Affairs Branch or Legal Counsel
- Company Native Liaison Officer
- Treaty
- Research papers/theses
- LRMPs, FDPs

Summarize and submit the information collected about traditional activities for the area.
Send all relevant information to the Pesticide Officer in your region for final adjudication. The Deputy Administrator will review the information submitted and consider the following:

- Has a reasonable effort been made to consult with each of the First Nations that will be affected by this application?
- Have traditional activities been identified, and if so, is there sufficient information to determine whether there is a potential conflict with the objective of the application?

If further consultation or more information is required, the applicant will be notified and/or the First Nation will be contacted. If the First Nation does not provide information on the location of aboriginal rights, the risk of possible infringement will be assessed based on the information provided to and obtained by the Deputy Administrator. If a reasonable effort has been made to identify aboriginal rights and if none have been found in the proposed area, the approval process will proceed. If aboriginal rights have been identified and the applicant has proposed means to accommodate these activities without infringement, the Deputy Administrator will assess the appropriateness for this accommodation and use discretion in proceeding with the approval process.

Evaluation of Treaty/Traditional Use Rights

Step	Action	Yes	No
	Initial Research (4-6 months prior to PUP/PMP approval)		
1.	Does the proposed activity require an assessment of aboriginal rights? If NO, attach written justification, if YES, continue with checklist.	θ	θ
2.	Does your Company, Ministry or Program have a procedural system to record and document all activities in this consultation process from beginning to end? If NO, please refer to question 10 of the attached Pesticide Use Permit Application/proposed Pest Management Plan Consultation Summary for guidance. If YES, provide a copy of the policy or procedure and examples of it's implementation	θ	θ
3.	Is there an MOU or other agreement which defines how consultation is to occur, or suggests a process for addressing referrals from government? If YES, the agreement may take precedence over these procedures. If NO, continue with the checklist.	θ	θ
4A.	Is there any existing information regarding potential aboriginal rights or title for the area in question?	θ	θ
4B.	If so have you consulted that information?	θ	θ
5.	Have you contacted other programs within MELP or other ministries for information on potential aboriginal rights or title?	θ	θ
	Preliminary Consultation (4-6 months prior to PUP/PMP approval)		
6.	Has a meeting been requested with First Nations, to: i) determine the respective contacts and their scope (unless they are similar to the FDP contacts); ii) determine dates and times for future meeting(s); ii i) determine how Pesticide Use Permit Application/proposed Pest Management Plan is to be presented and consulted (type and extent of information First Nations want and how consultation will occur); iv) review current Pest Management Plan(s) and Pesticide Use Permits; v) inform First Nations of their obligation to participate in the consultation process by providing information about traditional activities and identifying possible impacts on their rights; v i) provide First Nations with an opportunity to observe and further the understanding of the Pesticide Use Permit Application/ proposed Pest Management Plan planning process.	θ	θ

Ensure clarity around:

i) consultation process;

ii) timelines for consultation and approval process;

iii) opportunities for First Nations observation;

iv) time for next meeting; and

v) information received at the meeting

The above can be done in conjunction with FDP. consultation. Invitations to First Nations should be given at least two weeks prior to suggested meeting date.

7A.	Have all First Nations in the proposed area been contacted and advised of what is proposed, how it will happen and where it will happen? Provide First Nations with a copy of the Pesticide Use Permit Application/proposed Pest Management Plan. Ensure the First Nations have sufficient time (minimum 30 days) to review the information prior to requesting a meeting (step 8).	θ	θ
7B.	Has the above been forwarded to the affiliated Tribal Council, Treaty Association? If NO, explain.	θ	θ
8.	Have First Nations been asked for information on their traditional or contemporary activities, any other technical information or traditional knowledge and expressed interests that may help in making a decision and has a record of request(s) been kept? (First Nations should be asked specifically about traditional hunting, fishing and trapping activities including significant areas, preferred areas, historical traplines and relied-upon species. Also requested should be the relationship between traditional activities and supply of preferred species. Satellite imagery, photo mosaics or air photos may be helpful in these discussions.)	θ	θ
9.	Have First Nations provided information on their traditional activities and interests? If YES, a letter delivered by hand or via registered mail should be sent confirming information received. If there has been NO RESPONSE, go to step 18.	θ	θ

Evaluation of Treaty/Traditional Use Rights

10.	Has it been possible to make an initial assessment of potential aboriginal rights or title?	θ	θ
11 A.	Has it been possible to determine the potential for infringement - low, medium or high risk?	θ	θ
11 B.	If aboriginal rights or title may be infringed have you amended the Pesticide Use Permit Application/proposed Pest Management Plan to address concerns? If YES, what has been amended? If NO, explain.	θ	θ
11 C.	Have the First Nations been advised of changes the proponent has made to the Pesticide Use Permit Application/proposed Pest Management Plan? If YES, attach response. If NO, explain.	θ	θ
12.	Have First Nations expressed other concerns which are significant, and warrant further investigation by MELP staff? (E.g., serious environmental impacts, or areas where traditional knowledge can be used.) If YES, continue, if NO, go to step 14.	θ	θ
13.	Have you offered to explore alternatives or other approaches to dealing with the concerns raised by First Nations?	θ	θ

14.	Has the First Nation agreed with a reconciliation or accommodation of the activity with aboriginal rights or title? If YES, continue; if NO, go to step 21.	θ	θ
15.	Is the documentation complete and adequate?	θ	θ
16.	Does the documentation show who gave the authorization for reconciliation? Do they have the authority to do so?	θ	θ
17.	If the First nation disagrees with the proposed activity, is the disagreement based on their asserted aboriginal rights or title? If NO, continue; if YES, go to step 21.	θ	θ
18.	Have you made your own attempts at assessing the potential for aboriginal rights and title? (Outside research, checking with other ministries, within MELP programs, and with the Aboriginal Relations Section?)	θ	θ
19.	Have you made reasonable efforts to allow First Nations the opportunity to provide information on their traditional activities and interests? i.e., have you made repeated attempts to gain their input?	θ	θ
20.	Has the information you have provided to First Nations been clear, easily understandable and straightforward? If NO, you must ensure that non-technical information, understandable to a lay person, is provided.	θ	θ
21.	Can any likely infringement be justified under the *Sparrow* and *Delgamuukw* tests?	θ	θ
22.	Has the significance of the impact of proceeding with the activity been analysed as well as the significance of *not* proceeding with the activity?	θ	θ
23.	Have there been attempts by government or the proponent to accommodate potential aboriginal rights or title?	θ	θ
24.	Have the interests of the users been appropriately weighed? (First Nations, proponents, public).	θ	θ
25.	Has the risk of proceeding versus *not* proceeding been assessed? If YES, please attach analysis.	θ	θ
26.	Have the benefits of the activity been weighed against the risks of proceeding? If YES, please attach analysis.	θ	θ
27.	Is there a risk of court action against government by the proponent/public?	θ	θ
28.	Is the situation one that may become volatile?	θ	θ
29.	Have all research and reasons for the decision been appropriately and fully documented?	θ	θ

N.B. If the First Nations does not participate in one step, it is suggested to proceed to the next.
Recommend reviewing the Pesticide Use Permit Application/proposed Pest Management Plan with the local trapper and guide outfitter's association"
Recommend also advertising the Pesticide Use Permit Application/proposed Pest Management Plan in First Nations newspaper(s) and on message time on the radio.
Any alterations and/or additions to the First Nations checklist were primarily based on the Fort St. John Forest District's Operating Procedure "Forest Development Plan Consultation with First Nations", drafted by John Gray.

PESTICIDE USE PERMIT APPLICATION/
PEST MANAGEMENT PLAN
CONSULTATION SUMMARY

Proponent: _____ First Nation: _____
Contact Person: _____ Contact Person: _____
Pesticide Use Permit/Pest Management Plan Number _____
Instructions: 1. This form may be useful when summarizing First Nation consultation for a Pesticide Use Permit Application/proposed Pest Management Plan. 2. Please write a summary in the space provided and give details and proof in appendices. 3. This form may be submitted with all documentation for the Pesticide Use Permit Application/proposed Pest Management Plan submission. 4. Complete for **each** First Nation. 5. This form is to be used to receive feedback from MELP during consultation.

1. Did a meeting take place with proponent and the First Nation to determine who, when and how the Pesticide Use Permit Application/proposed Pest Management Plan is to be consulted and the timelines involved? Describe outcome of meeting and attach minutes. If no meeting was held, describe why.

_____
_____

Date:_____ attached as Appendix 1__

2. Has the First Nation been given the opportunity to observe the development of the Pesticide Use Permit Application/proposed Pest Management Plan? If no, why?

_____
_____

Date:_____ attached as Appendix 2__

3. Did the First Nation participate in the opportunity provided in question 2? If yes, describe outcome (including what information was provided by the proponent and First Nation) or if no, why?

_____
_____

Date:_____ attached as Appendix 3__

4. Has the First Nation been provided with the following in writing?

__ information about the location, nature and extent of the proposed activity

__ a request for information about treaty activities, detail about traditional activities in the vicinity of permit area, typical access requirements and information regarding relationship between traditional activities and supply of preferred species

__ a request for a meeting to discuss specific information concerning the nature of traditional activities including significant areas, preferred areas, historical traplines, and species typically relied upon within the Pesticide Use Permit Application/proposed Pest Management Plan area that will be affected by the proposed activity.

__ attached as Appendix 4

5. Has the First Nation been provided with a Pesticide Use Permit Application/ proposed Pest Management Plan package (with maps)? Describe type of information and how it was presented.

_____
_____

Date:_____

6 a) Has the First Nation responded to the meeting requests? Describe outcome.

_____
_____

Date:_____

b) If yes, was the information and maps fully explained (specifically explain the "on the ground" impacts of the Pesticide Use Permit Application/proposed Pest Management Plan)? Describe how.

_____
_____

Date:_____

c) If yes, was there an understanding of the information? Explain. (If no, provide the information in an "understandable" format)

_____
_____

Date:_____

d) Was information received concerning the history, location, type and importance of treaty/traditional use activities? If no, why?

_____
_____

Date:_____ attached as Appendix 5__

7. Was the First Nation provided with a letter confirming meeting request and, or the First Nation responses?

_____

_____

Date:_____ attached as Appendix 6 __

8. Was the First Nation advised of revisions regarding the accommodation of treaty/traditional use rights to the Pesticide Use Permit Application/proposed Pest Management Plan?

_____

_____

Date:_____ attached as Appendix 7__

9. Describe briefly the treaty/traditional use rights information that was received from roundtable discussions, meetings, correspondence etc. attach as Appendix 8__

Date	**Source (forum and name of person Mitigation providing the information)**	**Information**	**Identify Associated Treaty/Traditional Use Rights**	**Mitigation**	**Was the Mitigation Negotiated?**

10. Provide chronology of **all** communications with the First Nation (phone (P), correspondence (L), meetings (M)). Document: all reasonable efforts to consult; provide details as to the attempts to provide full information, scope of activity, and potential effects to rights (if known), attempts to inform yourself about traditional practices and what other sources of information have been considered. attach as Appendix 9__

FORM			**DATE**	**CONTENT**	**WHO INITIATED COMMUNICATION**
P	**L**	**M**			

Date: _____

Signature: _____

Proponent representative_____

(Print Name and Title)

Appendix IV

APPLICATION TO PREPARE A PEST MANAGEMENT PLAN

for Forest Vegetation

MINISTRY OF ENVIRONMENT, LANDS AND PARKS

1. Name of Applicant	Applicant's File No.	Application No.

Mailing Address	Telephone No.	Date Received
	Fax No.	Region(s)

2. Purpose	Purpose Code(s)

3. a. Managed Forest Units and/or Tenures associated with the Proposed Area (FL, TFL and/or Operating Area) & Woodlot License Number	
b. Description of the geographic area to be covered by the Pest Management Plan	c. Total Area to be Included in the PMP
d. List of towns in or near the area covered by the Pest Management Plan	
e. Community watersheds	

4. Pesticide Application Methods	5. Non-Pesticide Treatment Methods

6. a. Pesticide Trade Name	b. Active Ingredient (common name)		c. P.C.P. No.	PMP Application Fee	Receipt No.

7. Land Ownership	Public	Private						
8. Commencement Date	Year	Month	Day	Completion Date	Year	Month	Day	

9. Contact Name	Telephone No.	Fax No.	E-mail Address

10. Signature of Applicant	Name (Please Print)	Title	Date of Application

Attached : ☐ Map(s) ☐ Other Resource Users ☐ Newspapers

The following steps describe how to obtain a Pest Management Plan (PMP) Approval for managing forest vegetation

1. Applicant completes application package • submit package to Deputy Administrator, *Pesticide Control Act*. Refer to the "Guide for Developing a Pest Management Plan for Forest Vegetation". • recommended time frame: 9 months before proposed date when pesticide applications begin.	**4. Applicant Submits PMP to Deputy Administrator** • submit 7 copies of the PMP, the Consult Report and maps. (Please contact regional offices to determine if a reduced number of copies or an electronic submission may be accepted.) • recommended time frame: 3 months before proposed date when pesticide applications begin.
2. Applicant Develops Draft PMP (follow Guide) • consult with First Nations and other stakeholders. • work directly with agency members of the Regional Pesticide Review Committee as directed.	**5. Deputy Administrator Reviews PMP** • confirms First Nations consultations • may request applicant to modify PMP • makes decision to approve or deny the PMP • provides decision to applicant, First Nations and stakeholders who commented.
3. Applicant Advertises the Draft PMP • place 2 ads in local newspapers in a 2-week period.	**6. Opportunity to Appeal** • decisions made under the *Pesticide Control Act* may be appealed within 30 days.
Annual Activities • Applicant submits Detailed Site Assessments, Notifications of Intent to Treat and Follow-up Reports • Additional authorization for certain classes of sites may be required by the Deputy Administrator	

Mark the location of the proposed PMP area